

1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001  
tel. 202.434.4100  
fax 202.434.4646

September 7, 2006

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423

Re: The Louisiana and North West Railroad Company, Discontinuation of Service at Magnolia, Arkansas; Petition of Albemarle Corporation for Emergency Service Order and Petition of Albemarle Corporation for Immediate Relief under 49 U.S.C. § 721(b)(4); S.O. No. 1526; NOTICE OF FAILURE TO PROVIDE SERVICE

Dear Secretary Williams:

On behalf of Albemarle Corporation, we are hereby advising you that The Louisiana and North West Railroad Company ("LNW") is withholding transportation service to Albemarle Corporation. Notwithstanding LNW's representation to the Board that it "will continue to provide adequate common carrier line haul service between LNW's Class I connections and the Albemarle plant"<sup>1</sup> (and that the all-or-nothing threat applies only to switching service), this withholding of service entails line haul as well as switching service.

Albemarle learned today (September 7, 2006) that LNW will not provide service today or tomorrow (September 8, 2006)—line haul or switching. Albemarle only learned that LNW would not provide service today or on September 8 when Albemarle called LNW this morning to discuss the switching service required. When asked about service on Monday, September 11, LNW responded that no decision had been made on train operations for Monday. This involves not only switching service, but also line haul service, inasmuch as there is at least one delivery of benzene in Gibsland (connecting from KCS) awaiting delivery. The chemicals awaiting delivery and otherwise located on Albemarle's storage tracks (tracks D and E) for switching into the plant (across LNW's mail line track) are urgently needed to maintain plant operations without interruption.

This constitutes the second consecutive week that LNW has failed to provide scheduled service. LNW's schedule provides for service to be rendered on Monday, Tuesday, Thursday and Friday. LNW notified Albemarle on Thursday, August 31, that it would not provide service

---

<sup>1</sup> LNW Second Reply, S.O. 1526, at p. 2 (Aug. 25, 2006).

## KELLER AND HECKMAN LLP

---

Hon. Vernon A. Williams

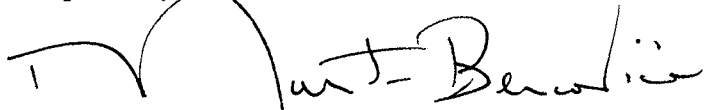
September 7, 2006

Page 2

on Friday, September 1, 2006. Inasmuch as Monday, September 4, was a holiday, regular service was not furnished on that date either. Over the 9-day period from August 31 through September 8, service will have been provided on only 2 of the 6 regularly scheduled service days.<sup>2</sup> Such service hardly can be described as "adequate" and threatens operation of Albemarle's plant.<sup>3</sup>

The punitive, and apparent retaliatory, action by LNW in withholding service reinforces the need for the Board to issue an Emergency Service Order as Albemarle has requested. Albemarle Corporation respectfully requests the Board to promptly issue the Emergency Service Order to permit Ouachita Railroad to provide switching service to Albemarle which requires operation over the LNW main line track.

Respectfully submitted,

  
Martin W. Bercovici

cc: Edward J. Fishman, Esq. (via hand delivery)  
Ouachita Railroad Company (via electronic mail)  
Federal Railroad Administration (via hand delivery)

---

<sup>2</sup> LNW did make a delivery on Wednesday, September 6, a day service normally is not provided. This occurred due to the crew having timed-out on Tuesday, and therefore was completing its return trip to Gibsland the following day. No switching was provided inasmuch as Ouachita had been scheduled to provide switching within the plant lead tracks on Wednesday, a day LNW normally does not operate to or at the plant.

<sup>3</sup> Obviously, when LNW does not provide line haul service, switching does not occur, since switching is performed by the line haul crew and engine(s), notwithstanding the representations that switching would be provided until September 14, 2006.